Katherine Christensen Real Party in Interest Under Injury c/o 1134 West Grand Caymen Drive Gilbert, Arizona 85233 (480) 813-3885 Without Representation FILED 2009 OCT 15 PM 2: 55

U.S. BANKRUPTCY DISTRICT OF ARIZONA

UNITED STATES BANKRUPTCY COURT DISTRICT OF ARIZONA

| In re: |) CASE NO. 09-21818 |
|--|---|
| KATHERINE CHRISTENSEN Plaintiff V. |) OQ - AP - 1359) MOTION FOR COMMENCEMENT) OF ADVERSARIAL PROCEEDING) |
| BANK OF AMERICA its assignees and/or successors Defendant |))) |

Plaintiff KATHERINE CHRISTENSEN, respectfully submits this MOTION FOR COMMENCEMENT OF ADVERSARIAL PROCEEDING. Plaintiff objects to any and all claims because BANK OF AMERICA Defendant has never produced the original note or responded to any lawful requests submitted under Notary Seal and Presentment for debt validation as per Title 12 and Title 15. To begin the Adversarial Proceeding Plaintiff requests Discovery starting from when the account was at \$0 until the present. Defendant's forensic accounting should state everything that is in their records, including but not limited to everything that has been withheld from Plaintiff.

DATED: October 15, 2009

Katherine Christensen

ADVERSARIAL PROCEEDING-BofA

PAGE 1 of 1

List of Violations Under Which Damages Are Sought.

Damages are to include but are not limited to the items listed below.

Plaintiff reserves the right to amend the causes of action and remedies sought.

Title 18 Section 1346 Failure to provide honest service Title 18 Section 1661 Robbery Ashore Title 18 section 1652 Citizens as Pirates Title 18 Section 1595 Civil Remedy Title 18 Section 1593 Mandadory Restitution Title 18 Section 894 collection of Extensions of Credit by Extortionate Mean's Title 18 Section 893 Financing extortionate extensions Title 18 Section 891 Definitions and rules of construction Title 18 Section 892 Making extentionate extensions of Title 18 Section 880 Receiving the proceeds of extortion Title 18 section 878 Threats and extortion against foreign officials, official quests or internationally protected persons Title 1848ction 876 mailing threatening Communications Title 18 Section 875 Interstate communications Title 18 section 872 Extortion by officer or employees of the United States Title 18 Section 666 theft or bribery concerning programs receiving Federal funds Title 18 Section 514 Tichtious obligations Title 18 Section 513 Securities of the States and private Title 18 Section 498 Contracts, Leeds, and power of attorney Title 18 Section 494 contractors bonds, bids, and public

List of Violations Under Which Damages Are Sought.

Damages are to include but are not limited to the items listed below.

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Title 18 Section 1346 Failure to provide honest service

Title 18 Section 493 Bonds and obligations of certain leading

Title 18 Section 483 Othering Counterfeit foreign bank notes Title 18 Section 479 othering counterfeit foreign obligations or securities

Title 18 Section 401 Power of count

Title 18 Section 371 Conspiracy to commit offense or to

defraud the Norted States

UCC 1-304 Obligations of Good Faith
1-305 Remedies to be liberally administered
1-307 Prima Facile Evidence by third Party Downmuch
1-309 option to Accelerate at WILL

Provisions Pertnement to UCC Article 7 and Ariticle 9-violations undich Discovery will emidence and support

Title 18 Section 241 Conspiracy Against Rights Under Title 18 Section 246 Depravation of Rights under Color of Law

I Katherine Ouristensen the Real Party in Interest does hereby state that apon completion of Discovery will omend course of action to reflect them discovered and Lamages associated with allot ederal and State law.

Case 2:09-ap-01359-RTB Doc 1 Filed 10/15/09 Entered 10/19/09 16:39:54 Desc 10/16/2009 Main Document Page 3 of 5

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| ADVERSARY PROCEEDING COVER SHI (Instructions on Reverse) | (Court Ose Only) | | | |
|--|---|--|--|--|
| | RECEIVED | | | |
| PLAINTIFF(S) | DEFENDANT(S) 2009 OCT 15 PM 2: 55 | | | |
| Katherine Christensen | BANK OF AMERICA U.S. BANKRUPTCY DISTRICT OF ARIZOMA | | | |
| ATTORNEY(S) (Firm Name, Address, and Telephone No.) Without Representation | ATTORNEY(S) (If Known) CARSON MESSINGER ELLIOTT LAUGHLIN & RAGAN 3300 NORTH CENTRAL AVENUE SUITE 1900 PHOENIX, ARIZONA 85012 POLK, PROBER & RAPHAEL, A LAW CORPORATION 20750 VENTURA BOULEVARD, SUITE 100 WOODLAND HILLS, CALIFORNIA 91364 | | | |
| PARTY (Check One Box Only) | PARTY (Check One Box Only) | | | |
| Debtor U.S. Trustee/Bankruptcy Admin | Debtor U.S. Trustee/Bankruptcy Admin | | | |
| | Creditor Trustee Other | | | |
| Cicultor | | | | |
| CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) 1. Recovery of money/property Section 548 2. Recovery of money/property Other 3. Injunctive Relief to prevent the eviction from my property while Discovery is taking place 4. Declaratory Judgement 5. Other actions see attached list and Violation of 4th and 5th amendments and others to be determined after forensic audit is completed | | | | |
| NATURE OF SUIT (Number up to five (5) boxes starting with the lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.) Note: Only a complaint including an objection to discharge under 11 U.S.C. § 727 will defer the clerk's entry of the debtor's discharge in bankruptcy. A complaint to determine the dischargeability of a debt under 11 U.S.C. § 523 does not affect the entry of a discharge with respect to other debts. | | | | |
| FRBP 7001(1) - Recovery of Money/Property | FRBP 7001(6) - Dischargeability (continued) | | | |
| 11 - Recovery of money/property - § 542 turnover of property | 61 - Dischargeability - § 523(a)(5), domestic support | | | |
| 12 - Recovery of money/property - § 547 preference | 68 - Dischargeability - § 523(a)(6), willful and malicious injury | | | |
| 1. 13 - Recovery of money/property - § 548 fraudulent transfer | 63 - Dischargeability - § 523(a)(8), student loan | | | |
| 2. 14 - Recovery of money/property - other | 64 - Dischargeability - § 523(a)(15), divorce/sep property settlement/decree | | | |
| FRBP 7001(2) - Validity, Priority or Extent of Lien | 65 - Dischargeability - other | | | |
| 21 - Validity, priority or extent of lien or other interest in property | FRBP 7001(7) - Injunctive Relief | | | |
| FRBP 7001(3) - Approval of Sale of Property | 71 - Injunctive relief - reinstatement of stay | | | |
| 31 - Approval of sale of property of estate and of a co-owner - § 363(h) | 3. 72 - Injunctive relief - other | | | |
| FRBP 7001(4) - Objection/Revocation of Discharge | FRBP 7001(8) - Subordination of Claim or Interest | | | |
| 41 - Objection/revocation of discharge - § 727(c), (d), (e) | 81 - Subordination of claim or interest | | | |
| FRBP 7001(5) - Revocation of Confirmation | FRBP 7001(9) - Declaratory Judgment | | | |
| 51 - Revocation of confirmation | 4. 91 - Declaratory judgment | | | |
| FRBP 7001(6) – Dischargeability | FRBP 7001(10) - Determination of Removed Action | | | |
| 66 - Dischargeability - § 523(a)(1), (14), (14A) priority tax claims | 01 - Determination of removed claim or cause | | | |
| 62 - Dischargeability - § 523(a)(2), flase pretenses, false representation, | Other | | | |
| actual fraud | SS-SIPA Case - 15 U.S.C. §§ 78aaa et seq. | | | |
| 67 - Dischargeability - § 523(a)(4), fraud as fiduciary, embezzlement, larceny | 5. 02 - Other (e.g., other actions that would have been brought in state court if | | | |
| continued next column | unrelated to bankruptcy case) | | | |
| Check if this case involves a substantive issue of state law | Check if this is asserted to be a class action under FRCP 23 | | | |
| Check if a jury trial is demanded in complaint | Demand \$\frac{1}{2}To be determined by Trustee when full forensic accounting the second | | | |
| Other Relief Sought Full reconveyance of property back to the Real Party in Interest which is me Katherine Christensen Injunctive relief against all previous, present and successive actors who have no standing and possess no lawful claim Damages including but not limited to the items on the attached list | | | | |

Form 104 (10/06), Page 2

| BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES | | | | | |
|---|---|-------------------|---------------------------------|--|--|
| NAME OF DEBTOR Katherine Christensen | | | BANKRUPTCY CASE NO. 09-21818 | | |
| DISTRICT IN WHICH CASE IS PENDING District of Arizona | | DIVISIONAL OFFICE | NAME OF JUDGE Baum | | |
| RELATED ADVERSARY PROCEEDING (IF ANY) | | | | | |
| PLAINTIFF | DEFENDANT | | ADVERSARY PROCEEDING NO. | | |
| DISTRICT IN WHICH ADVERSARY IS PENDING DIVISIONAL OFFICE | | DIVISIONAL OFFICE | NAME OF JUDGE | | |
| SIGNATURE OF ATTORNEY (OR PLAINTIFF) Karterie Chuden | | | | | |
| DATE October 15, 2009 | PRINT NAME OF ATTORNEY (OR PLAINTIFF) KATHERINE CHRISTENSEN | | | | |

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, if it is required by the court. In some courts, the cover sheet is not required when the adversary proceeding is filed electronically through the court's Case Management/Electronic Case Files (CM/ECF) system. (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Parties. Give the names of the parties to the adversary proceeding exactly as they appear on the complaint. Give the names and addresses of the attorneys if known.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not presented by an attorney, the plaintiff must sign.